

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiffs,

v.

RAJESH KUMAR KAPOOR,  
Defendants.

Case No. [24-cr-00158-EMC-1](#)

SECONDED AMENDED  
PRETRIAL ORDER FOR  
CRIMINAL JURY TRIAL AND  
BRIEFING SCHEDULE

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury selection is scheduled for **January 3, 2025**, at 8:30 a.m. in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. Hearing on prescreening of prospective jurors to be held by Zoom on **January 2, 2025**, at 9:00 a.m. Jury trial is scheduled for **January 6, 2025, at 12:00 PM**. Trial days will be **1/6/2025 (12:00 PM – 4:00 PM) 1/7/2025 - 1/13/2025, 8:30 a.m. to 4:00 p.m.**

b. The length of trial is expected to last not more than **5 days**.

2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal Procedure and Criminal Local Rule 16-1. The United States will comply with *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972) and *United States v. Agurs*, 427 U.S. 97 (1976).

3. MOTIONS

a. Pretrial motions regarding Rule 413 and expert witnesses shall be noticed and set for hearing on **8/29/2024 at 10:00 a.m. (hearing held)**. All other Motions *in limine* and other pre-trial motions shall be filed with the Court 35 days before the pretrial conference with any reply brief filed two weeks before the pretrial conference.

b. All other disclosures under Rule 16 (including expert summaries) and Criminal Local Rule 16-1(c) shall be made no later than 6 weeks before pretrial conference.

4. PRETRIAL CONFERENCE

a. A pretrial conference will be held on **12/17/2024, at 10:30 a.m.** The attorneys who will try the case shall attend the conference and be prepared to discuss the matters set forth in Criminal Local Rule 17.1-1.

b. Not less than three (3) weeks before the Pretrial Conference, the parties shall, consistent with defendant's right to an effective defense, complete the following:

- (1) Serve and file a pretrial statement pursuant to Crim. L.R. 17.1-1(b).
- (2) Serve and file a trial brief setting forth the following:
  - (a) A description of each offense charged in the case.
  - (b) A description of all of the relevant facts upon which the parties stipulate.
  - (c) A brief description of the law applicable to each alleged offense, including, but not limited to, a listing of the elements of each alleged offense and affirmative defense and any instructions that the Court should consider in reaching a decision in the case.
  - (d) Points of law on any other issues relevant to the trial, including all foreseeable procedural and evidentiary issues.
- (3) Serve and file a joint exhibit list in tabular form, with (a) a column that briefly describes the exhibit; (b) a column that describes for what purpose the party will offer the exhibit and identifies its sponsoring witness; (c) a column that states any objections to the exhibit and the basis therefor; (d) a column that briefly responds to the objections; and (e) a blank column for the Court's use. Before this list is filed with the Court, the parties shall meet and confer, in person, to consider exhibit numbers, to eliminate duplicate exhibits

and confusion over exhibits, and to make a good faith effort to stipulate to admissibility. If stipulation is not possible, the parties shall make every effort to stipulate to authenticity and foundation absent a legitimate (not tactical) objection.

(4) Serve and file a list of the witnesses that each party intends to call at the trial in its case-in-chief, not including rebuttal witnesses, briefly setting forth for each witness the substance of their testimony.

(5) Exchange exhibits, which shall be pre-marked (plaintiff shall use numbers; defendant shall use non-duplicative consecutive numbers as agreed in advance) and tabbed.

(6) Each side is to deliver one (1) binder of all pre-marked exhibits to chambers (exhibits are not to be filed). *Exhibits must be premarked* Exhibits shall be three-hole punched and shall be submitted in binders with cover and spinal sheets. Please contact Courtroom Deputy with any questions regarding exhibits. A trial technology check will be scheduled one to two weeks prior to trial.

(7) Serve and file proposed jury instructions on all substantive issues and on any procedural issue not adequately covered by the Court's standard instructions (i.e. the current version of the Ninth Circuit Manual of Model Criminal Jury Instructions (also available on the Ninth Circuit website at [www.ce9.uscourts.gov](http://www.ce9.uscourts.gov)) shall be given absent objection: 1.1-1.11, 1.16, 2.1, 2.12, 3.1-3.2, 3.5-3.9, 7.1-7.6.

(a) Any instruction contained in the Ninth Circuit Model Instructions Manual may be requested by designation of its number.

(b) Each other instruction shall be requested by setting forth the instruction in full text on a separate sheet with reference to supporting legal authority.

(c) Prior to filing the proposed instructions, the parties shall meet and confer and work in good faith towards a stipulated set of instructions. If a full agreement is not reached, the parties shall enumerate the instructions on which an agreement is reached and then list separately the additional instructions proposed by each party.

(8) Serve and lodge a proposed form of verdict and proposed questions for live jury voir dire. Voir dire questions not agreed to shall be listed separately. Parties to meet and confer and jointly file 10 case-specific questions for the jury questionnaire one week before the pretrial conference.

(9) All stipulation of fact to eliminate the need for live witnesses on undisputed matters.

c. Not less than **two (2) weeks** prior to the Pretrial Conference, the parties shall:

(1) Serve and file any formal objections (and the basis therefor) to the opposing party's witnesses not already addressed by prior motions.

d. No party shall be permitted to call any witness or offer any exhibit in their case in chief that is not disclosed pursuant to this Pretrial Order, without leave of Court for good cause shown, consistent with defendant's right to an effective defense.

e. All motions *in limine* shall be heard at the Pretrial Conference.

## 5. CHALLENGES

The procedure for exercising peremptory challenges in Criminal Local Rules 24-2 and 24-3 will be observed absent objection by the parties.

## 6. COPIES

Each document filed or lodged with the Court must be accompanied by a copy for use in the Judge's chambers.

## 7. CHANGE OF PLEA

Counsel shall give prompt notice to the United States Attorney and to the Court of any intention to change a previously entered not guilty plea. A written plea agreement must be submitted at least one (1) day in advance of the plea.

Dated: December 10, 2024



EDWARD M. CHEN  
United States District Judge

United States District Court  
Northern District of California